

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IAN STEINER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

RAWLING SPORTING GOODS CO.,
INC., a Delaware Corporation, and DOES
1-10, inclusive,

Defendants.

STACY ORLICK, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

RAWLING SPORTING GOODS CO.,
INC., a Delaware Corporation, and DOES
1-10, inclusive,

Defendants.

Case No. 2:12-cv-02531-MCA

Hon. Kevin McNulty
Magistrate Judge Madeline C. Arleo

Motion Day: July 1, 2013

Case No. 2:13-cv-03231-KM-MCA

Hon. Kevin McNulty
Magistrate Judge Madeline C. Arleo

**PLAINTIFF STACY ORLICK'S NOTICE OF MOTION AND MOTION TO RELATE
AND CONSOLIDATE**

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[Additional counsel listed on signature page]

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on July 15, 2013, or as soon thereafter as the matter may be heard, Plaintiff Stacy Orlick (“Orlick”) will bring a motion in the United States District Court for the District of New Jersey, located at Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order relating and consolidating the above-captioned actions against Defendant Rawlings Sporting Goods Co., Inc. (“Defendant” or “Rawlings”), alleging, *inter alia*, that Defendant falsely and misleadingly marketed and sold a flexible rubber bracelet called the “Rawlings Power Balance Performance Bracelet” (the “Bracelets” or the “Product”). In support of her motion, Plaintiff Orlick relies on the Memorandum of Points and Authorities set forth below, as well as all files and records in this matter, and any argument that may be presented at the hearing.

Good cause exists to grant Plaintiff Orlick’s motion. Specifically, as set forth in the accompanying Memorandum (and as Defendant concedes), Plaintiff Orlick’s action previously pending before the United States District Court for the Central District of California, styled *Orlick v. Rawlings Sporting Goods Co., Inc.*, and transferred to this Court on or about May 20, 2013, Case No. Case No. 2:13-cv-03231-KM-MCA (the “*Orlick Action*”), involves the same or substantially similar questions of law and/or fact and seeks substantially similar remedies as another action currently pending before this Court, styled *Steiner v. Rawlings Sporting Goods Co., Inc.*, Case No. 12-cv-2531-MCA (D.N.J.) (the “*Steiner Action*”). See *Orlick* Dkt. No. 33 (Stipulation to Transfer *Orlick Action* to the District of New Jersey). Accordingly, on June 4, 2013, Orlick filed a Notice of Related Case, relating the *Orlick Action* to the *Steiner Action*. *Orlick* Dkt. No. 42.

Dated: June 14, 2013

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

By: /s/ James C. Shah

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Attorneys for Plaintiff Stacy Orlick and the proposed class

**PROOF OF SERVICE BY ELECTRONIC POSTING
PURSUANT TO DISTRICT OF NEW JERSEY
ECF AND LOCAL RULES AND BY MAIL
ON ALL KNOWN NON-REGISTERED PARTIES**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 475 White Horse Pike , Collingswood, NJ 08107.

On June 14, 2013, I caused to be served the following documents:

**PLAINTIFF STACY ORLICK'S NOTICE OF MOTION AND MOTION TO
RELATE AND CONSOLIDATE**

**[PROPOSED] ORDER GRANTING PLAINTIFF STACY ORLICK'S
MOTION TO RELATE AND CONSOLIDATE**

By posting the documents electronically to the ECF website of the United States District Court for the District of New Jersey, for receipt electronically by the parties listed on the attached Court's Service List.

And by **U.S. Mail** to all known non-ECF registered parties: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service that same day.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 14, 2013, at Collingswood, NJ .

s/ James C. Shah
James C. Shah

Mailing Information for a Case 2:12-cv-02531-MCA

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)